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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,748	10/06/2003	Simon E. Shearman	13149-011001	2803

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EXAMINER

DUVERNE, JEAN F

ART UNIT	PAPER NUMBER
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2839

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/679,748

Applicant(s)

SHEARMAN ET AL.

Examiner

Jean F. Duverne

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The abstract of the disclosure is objected to because it is less than fifty words.

Correction is required. See MPEP § 608.01(b).

Claim 20 is objected to because of the following informalities: The term "said light pipe" is indefinitely recited. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6-14, 23-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Hahizawa (US005558533A).

Hahizawa's device discloses an extender device comprising a base and an arm, the arm (3) pivotally attached to the base to depress a latch at 57 on a connector; wherein the base includes a pivot post (30) and the arm includes a pivot hole such that the pivot post (30) connects to the pivot hole; pegs (27) affixed to the base wherein the pegs control a bend radius of a fiber (C); an expansion limiting member or a locking arm at 54 or 54' configured to limit the expansion between the base and the arm wherein the base includes an extension region to support a connector; wherein the expansion region is configured such that when the connector is inserted into the device, the connector would extend past the extension region; wherein the base includes a

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backstop to limit movement of the connector; wherein the base includes a pivot post; wherein the pivot post includes a cylindrical shape; wherein the base includes a connector guide slot and connector housing to hold the connector; wherein the arm includes an arm tab and the base includes a base tab such that urging the arm tab and base tab together causes the arm to pivot on the base; wherein the arm includes a pivot hole to attach the arm to the base. The method for removing the connector is considered as obvious variation because all the limitations in the method claim is identical to the apparatus claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5 rejected under 35 U.S.C. 103(a) as being unpatentable over Hahizawa (US005558533A).

Hahizawa's device discloses the aforementioned limitations, but fails to explicitly disclose the dimension of the bend radius of the connector. It would have been an obvious matter of design choice to have a bend radius greater than 20 degrees or 90 degrees, since such a modification would have been involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955). It would have been

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obvious to one having ordinary skill in the art at the time the invention was made to have bend radius greater than 20 degrees or 90 degrees in order to meet the system design and requirement.

In regard to claims 15-18, Hahizawa's device discloses the aforementioned limitations, but fails to explicitly disclose the material of which the arm is made of, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Ileshin, 125 USPQ 416). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have select a known material such as plastic, sheet or cast metal in order to meet the system design and requirement.

Claims 19-22 rejected under 35 U.S.C. 103(a) as being unpatentable over Hahizawa (US005558533A) in view of Yeh et al (US006165006A).

Hahizawa's device discloses the aforementioned limitations, but fails to explicitly disclose the use of the light pipe and the refracting features. Yeh's device discloses the light pipe (26) with the refracting features. It would have been obvious to one having ordinary skill in the art at the time the invention was made to add the light pipe (26) with the refracting features such as the one disclosed in Yeh's device to improve the system identification (see claims) in Hahizawa's device.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean F. Duverne whose telephone number is (571) 272-2091. The examiner can normally be reached on 9:00-7:30, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TC Patel can be reached on (571) 272-2098. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JFD

10/29/2004



Jean Frantz Duverne
Primary Examiner
Art Unit 2839